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IN THE UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS

YOKO KAMIYAMA,

Plaintiff,

v.

BRENT J. HINKEMEYER, TAGA AIR
CHARTER SERVICES, INC., TINIAN
DYNASTY HOTEL, INC., HONG KONG
ENTERTAINMENT (OVERSEAS))
INVESTMENT, LTD., and DOES 1-75,

Defendants.

CV NO. 08-0030

**PLAINTIFF'S CASE MANAGEMENT
CONFERENCE STATEMENT**

Date: September 12, 2008

Time: 8:30 a.m.

Judge: Munson

COMES NOW Plaintiff Yoko Kamiyama, by and through her counsel of record, Bruce Berline,
and submits the following Case Management Conference Statement, pursuant to LR 16.2CJ(e)(2):

A. Service of process on parties not yet served

1. A copy of the summons and the complaint was served on defendants Taga Air Charter Services, Inc., Tinian Dynasty Hotel, Inc., and Hong Kong Entertainment (Overseas) Investment, Ltd., on July 10, 2008. The original summons are now on file with this Court.

2. Defendant Brent J. Hinkemeyer has not been served. Mr. Hinkemeyer's whereabouts are presently unknown. Plaintiff, through her counsel, is actively attempting to locate Mr. Hinkemeyer and have him served.

1 **B. Jurisdiction and Venue**

2 1. This Court has personal jurisdiction over all defendants.

3 2. This Court has original subject matter jurisdiction of Plaintiff Kamiyama's claims
4 pursuant to 28 U.S.C. §1332 (a) and (d) (diversity jurisdiction). This Court also has original subject
5 matter jurisdiction under 28 U.S.C. § 1331, in that this action arises under the laws, regulations, and
6 treaties of the United States, including the Warsaw Convention and its progeny, namely the Convention
7 for the Unification of Certain Rules Relating to International Transportation by Air, concluded at
8 Montreal, Canada, on May 28, 1999.

9 3. Venue is properly placed in the United States District Court for the Northern Mariana
10 Islands in that: (a) a substantial part of the events which gave rise to the claims in this matter occurred
11 in the Commonwealth of the Northern Mariana Islands; or, (b) both corporate defendants are subject
12 to this Court's personal jurisdiction. *See* 28 U.S.C. §1391(b)(2) and (3)

13 **C. Track assignment**

14 Plaintiff recommends the **Standard Track** assignment.

15 **REASONS:**

16 1. This is a fairly straight forward personal injury case involving various forms of negligence,
17 however, given Defendants' extensive denials in its answer, there are certainly more than a few,
18 unsettled legal issues.

19 2. Required discovery against the Defendants will be routine.

20 3. Real parties in interest should not exceed five.

21 4. There should not be more than 10 fact witnesses in this matter.

22 5. Expert witnesses will be necessary to show Plaintiff's physical damages. Plaintiff estimates
23 that he will need two to three expert witnesses to prove his case.

24 6. The jury trial in this case would likely take one to two weeks.

25 7. This case has a low suitability for alternative dispute resolution.

26 8. The character and nature of damage claims are fairly standard but will need expert testimony.

D. Anticipated motions

1. Numerous discovery motions
2. Motion for summary judgment as to negligence.

E. Discovery

Anticipated discovery:

1. Interrogatories to and from all defendants.
2. Requests for production of documents to and from all defendants.
3. Requests for Admissions to and from all defendants.
4. Depositions: Plaintiff anticipates that he will depose the following individuals and entities:
 - a. Employees and expert witnesses of Defendants
 - b. Brent Hinkemeyer
 - c. National Transportation Safety Board and Federal Aviation Administration investigators who investigated the airplane crash.

Limitations on discovery: None.

F. Further proceedings

See Section K below.

G. Special procedures.

No special procedures are required.

H. Modifications of standard pre-trial procedures.

None.

I. Settlement prospects

Poor.


J. Other matters

None.

K. Setting of dates

1. Joinder of all parties: October 3, 2008
2. Motions to amend: October 16, 2008
3. Discovery cut-off: December 19, 2008
4. Status conference: January, 2008
5. Discovery motion hearing date: January, 2008
6. Dispositive motion cut-off: February 20, 2008
7. Dispositive motion hearing date: March, 2008
8. Settlement conference: February 20, 2008 and May 2008
9. Joint pretrial order: May, 2008
10. Final pretrial conference: May, 2008
11. Trial: June, 2008

Dated this 8th day of September, 2008.



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